

DOCKET NO.: FLOR-0162
Application No.: 09/965,963
Office Action Dated: January 5, 2007

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS

After entry of the foregoing claim amendments, claims 75, 81-85, 89 and 90 will be pending in the application. Claims 84 and 85 have been amended, and claims 78-80, 86, 88 and 91-96 have been canceled. Claims 1-74, 76, 77 and 87 were previously canceled.

Claims 79, 80, 85 and 92 stand rejected under 35 U.S.C. § 112, ¶ 1, as failing to comply with the written description requirement. More specifically, the Office Action contends that “[t]here is no support in the original disclosure for the newly added limitation “the first signal is generated when the (touch-activated) sensor . . . is not actuated by the consumer and the second signal is generated when the (touch-activated) sensor is actuated by the consumer” (Office Action dated January 5, 2007 (“Office Action”) at § 2, p. 2). In addition, the drawings are objected to under 37 C.F.R. § 1.83(a) as failing to show the above limitation (*id.* at § 3, p. 2). Without conceding the merits of the foregoing contentions, Applicant has canceled claims 79, 80 and 92, and has amended claim 85 to delete the above limitation from the claims. Accordingly, Applicant respectfully requests that the rejection under 35. U.S.C. § 112, ¶ 1 and the objection under 37 C.F.R. § 1.83(a) be withdrawn.

Claims 75, 78, 81, 82 and 91 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,032,716 (“Lam”) in view of U.S. Patent No. 6,250,001 (“Gillespie”) and in further view of U.S. Patent No. 6,762,734 (“Blotky”). Claims 79 and 93-96 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lam in view of Gillespie and in further view of Blotky and U.S. Patent No. 5,793,281 (“Long”). Claims 80, 83-86, 88-90 and 92 stand rejected under 35 U.S.C. § 103(a) over Lam in view of Gillespie and in further view of Blotky, Long and U.S. Patent No. 5,966,696 (“Giraud”).

Applicant gratefully acknowledges the time and attention afforded by Examiner Dinh during a telephonic interview on February 27, 2007. During the interview, Applicant’s representative noted that Blotky was cited against the present application in a previous office action (*see* Office Action dated July 13, 2005) and that the rejection in that office action was overcome by Applicant via a submitted declaration of the inventor Richard Rebh showing completion of the claimed invention (*i.e.*, the conception and reduction to practice of an exemplary embodiment) prior to Blotky’s priority date of June 15, 2001. Applicant’s representative further noted that Applicant was prepared to submit a new declaration of the

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inventor Richard Rebh showing completion of the claimed invention (as recited in the pending claims) prior to Blotky's priority date. It was Applicant's understanding that Examiner Dinh agreed to withdraw the final rejection upon Applicant's submission of the new declaration, and agreed to reconsider the application.

Accordingly, Applicant is submitting the inventor's new declaration herewith. As stated in the new declaration, the inventor conceived and reduced to practice a FLOORanimator, which is an exemplary embodiment of claims 75, 81-85, 89 and 90. Therefore, Applicant respectfully submits that Blotky is antedated by Applicant's invention and that claims 75, 81-85, 89 and 90 should not be rejected as unpatentable under 35 U.S.C. § 103(a) in view of Blotky.

For at least the foregoing reasons, Applicant respectfully requests the withdrawal of the rejection of claims 75, 81-85, 89 and 90 under 35 U.S.C. § 103(a) as being unpatentable over the cited references. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact Applicant's attorney, Bryan T. Giles, at (215) 564-8954, to discuss the resolution of any remaining issues.

Respectfully submitted,

Date: April 4, 2007

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